

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:18-cv-00440-MOC-DSC

**PASHEENA DAYS**  
**WESLEY E. DAYS,**

Plaintiffs,

Vs.

**U.S. BANK NATIONAL ASSOCIATION**  
**BAYVIEW LOAN SERVICING, LLC**  
**SN LOAN SERVICING CORPORATION**  
**U.S. BANK NATIONAL ASSOCIATION**  
**NS163 LLC**  
**U.S. BANK NATIONAL ASSOCIATION,**

Defendants.

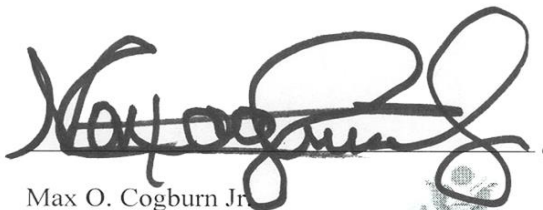
ORDER

**THIS MATTER** is before the Court on plaintiffs' pro se Motion for Summary Judgment and Brief in Support of Motion for Summary Judgment for Breach of Contract. Review of that Motion and the Responses filed in opposition to such motion clearly show that it is premature as the issues have not joined and discovery has not been had, all of which prevent a determination of whether genuine issues of material fact remain for trial. See Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986); Harrods Ltd. V. Sixty Internet Domain Names, 302 F.3d 214, 244 (4<sup>th</sup> Cir. 2002). Having considered plaintiffs' motion and reviewed the pleadings, the court enters the following Order.

**ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiffs' Motion for Summary Judgment and Brief in Support of Motion for Summary Judgment for Breach of Contract (#13) is DENIED without prejudice.

Signed: September 26, 2018



Max O. Cogburn Jr.  
United States District Judge